

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

BETTA MOMENTS,	:	24 Civ. 1865 (GHW) (GS)
Plaintiff,		:
		<u>ORDER</u>
- against -		
		:
WARDEN ADA PRESSLEY and THE CITY OF		:
NEW YORK,		:
		:
Defendants.		:

GARY STEIN, United States Magistrate Judge:

The Court is in receipt of *pro se* Plaintiff's letters dated September 6, 2024 (Dkt. No. 24); September 10, 2024 (Dkt. No. 23); September 18, 2024 (Dkt. No. 25); and September 19, 2024 (Dkt. No. 26). The Court addresses each of these letters below.

In Plaintiff's September 6 letter, she indicates she is willing to settle this case for a specified sum. (Dkt. No. 24 at 2). Plaintiff is directed to discuss any settlement proposals directly with Defendants. If all parties believe a settlement conference would be productive in resolving this dispute, they may jointly request a conference before the undersigned or a referral to the Court-annexed mediation program.

In Plaintiff's September 10 and September 19 letters, she informs the Court that funds are being deducted from her prisoner's account, despite the fact that the Court has permitted her to proceed in this action *in forma pauperis* ("IFP"). (Dkt. Nos. 23 & 26). As the Court noted in its prior Order, Plaintiff is required to pay the \$350 filing fee even when proceeding IFP and the fee will be deducted from her prisoner's account in monthly installments. (*See* Dkt. No. 5). To be clear, Plaintiff's IFP status relieves her from *prepayment* of the filing fee—*i.e.*, the obligation to

promptly pay the \$350 filing fee in one lump sum in order to avoid dismissal of this action—but does not excuse her from paying the fee altogether. Plaintiff is, however, excused from paying the \$55 administrative fee in its entirety. *See 28 U.S.C. § 1915(b)(1); Fee Schedule and Related Information for the U. S.D.C. Southern District of New York*, available at <https://www.nysd.uscourts.gov/programs/fees>.

Lastly, in Plaintiff's September 18 letter, she asks the Court to accept the attachment thereto “as an official document in placement of a motion.” (Dkt. No. 25 at 3). It is evident from the substance of the attachment, however, that this is intended to be Plaintiff's brief in opposition to Defendants' pending Motion to Dismiss her claims. (*See id.* at 1–10). The Court therefore considers it as such and directs Defendants to submit a reply, if they wish, by no later than **October 30, 2024**.

SO ORDERED.

Dated: New York, New York
 October 11, 2024



The Honorable Gary Stein
United States Magistrate Judge